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Kevin L. Smith

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**IN THE
COURT OF APPEALS OF INDIANA**

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APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable David C. Bonfiglio, Judge
Cause No. 20D06-0611-FC-37

July 29, 2008

VAIDIK, Judge

Case Summary

Ronald C. Stryjewski contends that his conviction for non-support of a dependent child, to which he pled guilty, violates Indiana's constitutional prohibition of imprisonment for debt. Concluding that this is an impermissible direct appeal, we dismiss.

Facts and Procedural History

On July 11, 2007,¹ Stryjewski pled guilty to non-support of a dependent child as a Class C felony² for knowingly or intentionally failing to provide support for his dependent child, J.N.S., from March 12, 2002, through January 1, 2004, in an aggregate amount in excess of \$15,000.³ Specifically, Stryjewski admitted that his child support arrears totaled \$48,181.42. Tr. p. 6, 7. After a sentencing hearing, Stryjewski was sentenced to eight years executed in the Department of Correction. Thereafter, he filed a "Motion to be Released from the Indiana Department of Correction Under Indiana Constitution Article One, Section Twenty-Two ("Motion to be Released")." Appellant's App. p. 46. The trial court denied this motion. Stryjewski now appeals.

Discussion and Decision

On appeal, Stryjewski contends that his conviction for non-support of a dependent child, who was adopted after the crime was committed, violates Indiana's constitutional prohibition of imprisonment for debt. In response, the State contends that "Stryjewski

¹ The State's brief lists July 3, 2007, as the date Stryjewski pled guilty to non-support of a dependent child. However, the Chronological Case Summary as well as the Transcript indicate that Stryjewski pled guilty on July 11, 2007.

² Ind. Code § 35-46-1-5(a).

³ On October 11, 2005, Stryjewski consented to his ex-wife's husband's adoption of J.N.S.

does not claim his sentence of eight years . . . is erroneous on its face. . . . Rather, he argues that he is innocent of the charge to which he pleaded guilty, and asks this Court to vacate his conviction and order his release from the Department of Correction.” Appellee’s Br. p. 5. The State maintains that Stryjewski cannot challenge his conviction on direct appeal and urges this Court to dismiss his appeal. We agree with the State. “A person who pleads guilty cannot challenge the conviction by means of direct appeal but only through a petition for post-conviction relief; one of the things a person gives up by pleading guilty is the right to a direct appeal.” *Kling v. State*, 837 N.E.2d 502, 504 (Ind. 2005). This is an impermissible direct appeal and as such must be dismissed.

Dismissed.

MAY, J., and MATHIAS, J., concur.